IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No. 11589 of 2003.
Date of Decision: October 19,2006.

Gobind Bakshi Singh Lega ....**Petitioner**

through
Mr. Bhim Sen Sehgal, Advocate

Versus

Union of India & Ors. ...**Respondents**
through
Mr. S.K.Sharma, Addl.CGSC with
Mrs. Kamla Malik, Advocate for
Mrs. Daya Chaudhary, Asstt.Solicitor General of India.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

In this writ petition, the petitioner has sought a direction for the grant of disability element of pension on the basis of 60% disability instead of 20% w.e.f. the date he was invalidated, i.e., 6.6.1993. In addition and alternative, the petitioner has sought a direction to compute the disability element of pension at the minimum rate of 50% w.e.f. 1.1.1996 in accordance with the circular dated 31.1.2001 issued by Union of India, Ministry of Defence, describing the percentage of disability pension @50% even if the disability percentage falls below 50%.

It is not disputed by learned counsel for the respondents that the second relief claimed by the petitioner and noticed above, is squarely covered by a Division Bench judgment of this Court dated 17.8.2006 passed in CWP No.9979 of 2005 (Naib Subedar Ravinder Kumar v Union

of India & Ors.), a copy of which has been appended as Annexure P-1.

Learned counsel for the parties further state that once the petitioner is held entitled and granted 50% disability element of pension in terms of the Union of India circular dated 31.1.2001, referred to above, the first relief sought by him is rendered infructuous.

Accordingly, and in view of the stand taken by learned counsel for the respondents, this writ petition is allowed in the same terms as in CWP No.9979 of 2005 (Naib Subedar Ravinder Kumar v Union of India & Ors)(supra), referred to above.

Ordered accordingly.

Disposed of.

October 19, 2006. **(SURYA KANT)**
dinesh **JUDGE**